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March 11, 2004

**VIA FACSIMILE (651-3836) AND U.S. MAIL**

Michael A. Roberts, Esq.  
Graydon, Head & Ritchey LLP  
1900 Fifth Third Center  
511 Walnut Street  
Cincinnati, OH 45202-3157

**Re: Eric L. Jeffries v. Centre Life Insurance Company, et al.  
Case No. C-1-02-351**

Dear Mike:

I am responding to your March 8, 2004 letter regarding discovery issues.

**Defendant's Financial Information**

Although you state in your letter that Judge Hogan "allowed the Defendants to refrain from producing the requested financial information until after the Court decided the 'inevitable motions for summary judgment,'" that statement is not accurate. Judge Hogan's February 14, 2003 ruling did not have anything to do with your document requests for financial information. Rather, Judge Hogan's ruling related to our motion for protective order in connection with the depositions of DMS personnel and he held that you could not question them "with regard to DMS' financial performance and financial condition. . . ." With regard to your specific requests for production of financial information, we objected to them and continue to stand by those objections. *See State Farm v. Campbell*, 123 U.S. 1513 (2003).

**Back-Up Tapes**

Despite your insistence that your expert be present when the back-up tapes are searched for the terms "Jeffries" and "0641734," I now understand that you would like my client to proceed to search the tapes and produce any information resulting from that search "without a representative of Plaintiff present." Proceeding in this manner also causes us great concern. During the course of this litigation, we have been accused of lying, discovery abuse, deceiving the Court, and acting in bad faith. If the search is performed without a representative of Plaintiff in attendance, this simply provides you with another opportunity to again make accusations

Michael A. Roberts, Esq.  
March 11, 2004  
Page 2

based on your unfounded assumptions, malign us and call this search into question. We will not, once again, put ourselves in that position.

#### **Bad Faith Suits**

We will provide you with the case captions of the suits filed against Defendants and referred to in Andrew Cohen's Affidavit. (*See* Document No. 93).

#### **Unproduced Surveillance Materials**

These surveillance materials were produced after Mr. Jeffries' depositions in accordance with Judge Hogan's Order. *See* copy of September 19, 2003 letters.

#### **Copy of Administrative Service Agreement Between Centre and DMS**

As you know, the Administrative Services Agreement between Centre and DMS was the subject of a Court Order which permitted you to review the document in our offices. The Court recognized that the document contained confidential and proprietary information which should not be publicly disclosed. Having said that, we may be able to formulate a stipulation of facts regarding the Agreement that will address these issues.

#### **Information and Performance Evaluations**

1. Defendants objected to Document Request No. 2 from Plaintiff's second set of discovery and to Document Request No. 4 from Plaintiff's third set of discovery. We stand by those objections. For that reason, we are under no duty to supplement.
2. Documents labeled DMS001-015 were sent to you by fax dated February 14, 2003. *See* copy of fax and documents enclosed. DMS 026 is enclosed.
3. DMS 016-099 were redacted because they refer to other blocks of business and to individuals who were not involved in the Jeffries claim.

#### **Verified Responses**

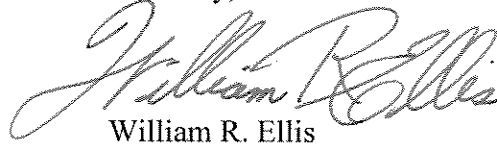
We will send you a verification page to Defendants' responses to supplemental and second supplemental discovery requests at our earliest opportunity.

Michael A. Roberts, Esq.  
March 11, 2004  
Page 3

**Subpoena Materials**

Documents received from Dr. Boyd Crafton are enclosed. Documents from Dr. Michael Meader were previously produced along with Dr. McClellan's records.

Sincerely,

A handwritten signature in cursive script, appearing to read "William R. Ellis".

William R. Ellis

WRE/smk  
Enclosures  
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